

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

**V.**

ROBERT E. COVER,

Defendant.

Case No. 8:11CR149

## FINDINGS AND RECOMMENDATION AND ORDER

At the conclusion of the hearing on November 2, 2011, on defendant's Motion to Dismiss (#29), I stated my conclusions on the record and my decision to recommend that the motion to dismiss be denied as premature. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Laurie Smith Camp, United States District Judge, that the Motion to Dismiss (#29) be denied in all respects, as premature. The denial of the motion is without prejudice to the issues being raised at a later date.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2, any objection to the magistrate's Findings and Recommendation shall be filed with the Clerk of the Court within fourteen (14) days after the unredacted transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 2nd day of November 2011.

BY THE COURT:

s/ F.A. Gossett, III  
United States Magistrate Judge